

Amendments to the Drawings:

The drawing sheet attached in connection with the above-identified application contains Figures 3A and 3B and is being presented as a new formal drawing sheet to be substituted for the previously submitted drawing sheet. Figures 3A and 3B have been amended.

In particular, Figures 3A and 3B were amended to more clearly show that the “fittings 4” may rotate or pivot from a first position. Figure 3A depicts each of the “fittings 4” in respective first positions (in solid lines) and has been amended to also depict the “fittings 4” in alternative positions in phantom (i.e., dotted lines) as suggested by the Examiner. Figure 3B depicts each of the “fittings 4” in respective alternative positions (in solid lines) and has been amended to also depict the “fittings 4” in respective first positions in phantom (i.e., dotted lines). In each figure, reference numerals and lead lines for the “fittings 4” and the “outlets 5” represent the non-phantom elements.

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1, 4, 12-14 and 22-26 were pending in the application with Claims 12-14 having been withdrawn. With this Amendment and Reply, Claims 1, 4, 22, 23, and 25 have been amended, Claims 12-14 have been canceled, and Claims 27-31 have been added. No new matter has been added. Therefore, Claims 1, 4, and 22-31 will be pending in this application upon entry of this Amendment and Reply.

Allowable Subject Matter

Applicants acknowledge and thank the Examiner for allowing Claim 26, as well as indicating that the subject matter of Claims 1, 4, and 22-25 is allowable.

Objection to the Specification

On page 2 of the Office Action, the Examiner cited to MPEP § 608.01(m) “Form of Claims,” but made no reference to a specific claim. Applicant believes the Examiner’s intention was to refer to Claim 1 and, accordingly, has amended Claim 1 to separate each element with a line indentation. If this was not the Examiner’s intention, Applicants respectfully requests clarification.

Objection to the Drawings

On page 2 of the Office Action, the Examiner objected to Figures 3A and 3B under 27 C.F.R. §1.83(a) for “not illustrat[ing] a change in position according to the directional arrows of P and D.” Applicants respectfully disagree as is discussed below with regard to rejections of the claims under 35 U.S.C. § 112, first paragraph. Nonetheless, Applicants have amended Figures 3A and 3B to more clearly indicate changed position of the “fittings 4” by showing different positions in phantom (i.e., with dotted lines). Reconsideration and withdrawal of the objection to Figures 3A-3B is respectfully requested.

Objections to the Claims

On page 3 of the Office Action, the Examiner objected to Claims 1, 4, and 22-26 for the use of the term “bath” for “not necessarily defin[ing] any particular structure.” Applicants respectfully disagree, because the term “bath” is sufficiently defined in the specification as “intended to also include spa baths and spa pools, including... spas, whirlpools, and jacuzzis.” Application at Page 3, Lines 2-4 (also found in Paragraph [0009] of the application publication). Further, the suggested term “bathtub” is not found in the specification, and its incorporation into the claims would be inconsistent with the remainder of the application. Persons of ordinary skill in the art would readily appreciate the meaning of the term “bath” as used in the present application.

The Examiner also objected to use of the phrase “to in use direct onto” in Claim 1 as being unclear. Applicants have made various amendments to Claim 1, which include eliminating “in use” from this phrase.

For the aforementioned reasons, Applicants respectfully request reconsideration and withdrawal of the objections to Claims 1, 4, and 22-26.

Claim Rejections – 35 U.S.C. § 112, First Paragraph

On page 4 of the Office Action, Claims 1, 4, and 22-25 were rejected under 35 U.S.C. § 112, first paragraph, for failing to satisfy with the written description requirement. Applicants respectfully traverse this rejection.

In particular, the Examiner stated:

Other than a slight gap (the examiner interprets the gap as a horizontal shift or sliding movement) between fittings 4 and element 3, the fittings 4 in both figures appear to be in the same position.

Office Action, Page 4 (emphasis in original).

Applicants respectfully disagree. The “gap” referred to by the Examiner is indicative of both generally horizontal pivotal movement and generally vertical translational movement, as would be readily understood by a person skilled in the art in view of the rotational direction arrows “P” and “D” and the translational direction arrows “Q.”

The left and right “fittings 4” are shown in Figure 3B, relative to Figure 3A, as rotated forward, such that outer portions of the “fittings 4” move along the arcs indicated by direction arrows “D” and “P” toward the interior of the “bath 1.” As the outer portions move forward, inner portions of the “fittings” move rearward to reveal a generally vertical surface of the “pillow 3” (i.e., the vertical portion of what the Examiner refers to as a “slight gap”). Thus, these generally vertical reveals are indicative of the “fittings 4” having rotated, not “horizontal shift[ing] or sliding” as the Examiner suggests.

Figure 3B also depicts the “fittings 4” as having moved generally downward along the path indicated by direction arrows “Q.” As the “fittings 4” are pushed downward, the generally vertical surfaces of the “pillow 3” are revealed horizontally above the “fittings 4.” Thus, these generally horizontal reveals are indicative of the “fittings 4” having moved translationally downward, not “a horizontal shift or sliding movement” as the Examiner suggests. This generally vertical translational movement has no bearing on whether each “fittings is pivotally movable... from the first pivotal position” as recited in independent Claim 1 (as amended).

Nonetheless, in order to advance prosecution, Applicants have amended Figure 3A and 3B according to the Examiner’s suggestion. Figure 3A now indicates alternative pivotal positions in phantom with dotted lines, while Figure 3B indicates the first pivotal position in phantom. Applicants further submit that, for the reasons described above, such amendments to the drawings do not constitute new matter.

For the aforementioned reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 1, 4, and 22-25.

Claim Rejections – 35 U.S.C. § 112, Second Paragraph

On page 5 of the Office Action, rejected Claims 1, 4, and 22-25 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Applicants respectfully traverse this rejection. Independent Claim 1 has been amended to address the grounds of rejection specifically indicated by the Examiner. Dependent Claims 4, 22, 23, and 25 have similarly been amended.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 1, 4, and 22-25 because each claim is definite and particularly points out and distinctly claims the subject matter regarded as the invention.

New Claims

Applicants have added new Claims 27-31 to provide claims of varying scope, each of which are dependent from independent Claim 26 (previously allowed). Applicants submit that dependent Claims 27-31 are allowable with Claim 26 at least because of their dependency, without regard to the further patentable subject matter set forth in such claims. Accordingly, consideration and allowance of Claims 27-31 is respectfully requested.

* * *

Applicants submit that each outstanding objection and rejection to the application has been overcome, and the applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

It should also be noted that although the Applicants have only addressed certain claims or claimed features herein, other claims features, or combinations of features may also be patentable for additional reasons. Further, the failure to address any statement by the Examiner should not be interpreted as acquiescence or agreement with such statement. Applicants expressly reserve

the right to rebut any statement presented by the Examiner and to set for additional and/or alternative reasons for patentability during prosecution of the present application or in any other future proceeding.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date: June 30, 2011

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